



Haryana Government Gazette

Published by Authority

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No. 51-2020] □ CHANDIGARH, TUESDAY, DECEMBER 22, 2020 (PAUSA 1, 1942 SAKA)

PART – I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

INDUSTRIES AND COMMERCE DEPARTMENT

Notification

The 10th December, 2020

No. 02/09/2020-4IB-II.—

Subject: Restrictions in Public Procurement from bidders of Certain Countries.

Whereas the Govt. of India vide its Order No. 6/18/2019-PPD (Ministry of Finance) dated 23.07.2020 and further orders in continuation of this, have provided for restrictions on procurement from bidders from a country or countries or class of countries on grounds of Defence of India or matters directly or indirectly related thereto including national security.

Whereas the Govt. of India had decided under the 7th Schedule of the Constitution that the same restrictions be applied in respect of procurement by the State Governments, their Public Undertakings, Local Bodies and all agencies controlled by the State as well as PPP Projects receiving financing from State Government or State Govt. Public Sector Enterprises/Undertakings.

Whereas the Govt. of India has clarified that this may be treated as directions under Article 257 (1) of the Constitution.

The matter has been considered by the State Government and it has been decided as under:-

1. That the procurement made by the State Government, its Public Undertakings, Local Bodies and all agencies controlled by the State as well as PPP Projects receiving financing from State Government or State Govt. Public Sector Enterprises/ Undertakings will be governed by the Ministry of Finance, Govt. of India Order No. 6/18/2019-PPD dated 23.07.2020 on the subject cited above and further orders in continuation of this.
2. As per the provision contained under Annexure-I of Ministry of Finance, Govt. of India Order No. 6/18/2019-PPD dated 23.07.2020, the competent authority for registration and the procedure for registration for the State will be as under:-
 - A. The Competent Authority for the purpose of registration under the State Order shall be the Registration Committee constituted by the Department of Industries & Commerce Haryana.

- B. The Registration Committee shall have the following members:-
- (i) An officer, not below the rank of Director, designated for this purpose by the State Government in Industries & Commerce Department Haryana, who shall be the Chairman.
 - (ii) Officers (ordinarily not below the rank of Secretary) representing the Home Department, Supplies & Disposals Department and of those Departments whose sectors are covered by applications under consideration;
 - (iii) Any other officer whose presence is deemed necessary by the Chairman of the Committee.
- C. Industries & Commerce Department Haryana shall lay down the method of application, format etc. for such bidders as stated in para 1 of GoI Order dated 23.07.2020.
- D. On receipt of an application seeking registration from a bidder from a country covered by para 1 of GoI Order dated 23.07.2020, the Competent Authority shall first seek political and security clearances from the Ministry of External Affairs and Ministry of Home Affairs, as per guidelines issued from time to time. Registration shall not be given unless political and security clearance have both been received.
- E. The Ministry of External Affairs and Ministry of Home Affairs may issue guidelines for internal use regarding the procedure for scrutiny of such applications by them.
- F. The decision of the Competent Authority, to register such bidder may be for all kinds of tenders or for a specified type(s) of goods or services, and may be for a specified or unspecified duration of time, as deemed fit. The decision of the Competent Authority shall be final.
- G. Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.
- H. The Competent Authority is empowered to cancel the registration granted if it determines that there is sufficient cause. Such cancellation by itself, the execution of contracts already awarded. Pending cancellation, it may also suspend the registration of a bidder, and the bidder still not be eligible to bid in any further tenders during the period of suspension.
- I. For national security reasons, the Competent Authority shall not be required to give reasons for rejection / cancellation of registration of a bidder.
- J. In transitional cases falling under para 3 of GoI Order dated 23.07.2020, where it is felt that it will not be practicable to exclude bidders from a country which shares a land border with India, a reference seeking permission to consider such bidders shall be made by the procuring entity to the Competent Authority, giving full information and detailed reasons. The Competent Authority shall decide whether such bidders may be considered, and if so shall follow the procedure laid down in the above paras.
- K. Periodic reports on the acceptance/ refusal of registration during the preceding period may be required to be sent to the Cabinet Secretariat. Details will be issued separately in due course by Industries & Commerce Department Haryana.”

This issues with the concurrence of Finance Department conveyed vide their U.O. No. 1/5/2019-4FD-III/2020/23983 of dated 11.11.2020.

The above instructions are brought to the notice of all concerned for its compliance with immediate effect.

APOORVA KUMAR SINGH,
Principal Secretary to Government Haryana,
Industries & Commerce Department.